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Source: Union Leader

Item:

Date: 7/27/93

UNION LEADER JULY 27, 93 p. 9

THE UNION I

Smart Case To Go To Supreme Court

BOSTON (AP) — The lawyer for Pam Smart said yesterday he will file an appeal today with the U.S. Supreme Court to overturn her highly publicized murder conviction in the death of her husband.

J. Albert Johnson of Boston called a news conference to discuss the appeal, which he said months ago would be filed.

There is no guarantee the federal high court would take the case. If it does, it could be months before the case is argued and a decision reached.

The New Hampshire Supreme Court rejected Smart's appeal in February.

Smart, now 25, was convicted in 1991 of being an accomplice to first-degree murder by persuad-

ing her lover, William Flynn, 15 at the time, and three of his friends to kill her husband. Gregg Smart, 24, was shot to death in the couple's Derry, N.H., condominium in 1990, shortly before the couple's first wedding anniversary.

She was sent to the state women's prison in Goffstown, N.H., to serve a mandatory life sentence, and later was transferred to a prison in New York state.

Smart was a former media coordinator at Winnacunnet High School in Hampton, N.H., where the youths were students.

Flynn and the other two youths pleaded guilty in plea bargains, and Flynn and one of the youths are serving prison terms of 28 years to life. The other youth is

serving 18 years to life.

In their arguments before the state Supreme Court, Smart's lawyers argued that the trial judge should have sequestered the jury earlier because of the intense publicity the trial was receiving, and that he allowed a

"media circus" during the proceedings.

"No defendant in the state of New Hampshire who's involved in a highly publicized trial could ever receive a fair trial" if the ruling stands, they said in the reconsideration appeal.

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